#### IN THE UNITED STATES PATENT & TRADEMARK OFFICE

re app. of: Denison W. Bollay berial Number: 09/276,598

Filed: 3/25/99

Title: A Method of Executing an Electronic Commerce

Sale from an Affiliate Web Site with A Vendor Through A Hub Server in One Step Without Reentering Shipping and Payment Information Examiner: Wasylchak, S. |GROUP ART UNIT: 2194

# REVISED AND RESUBMITTED PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Attention: Office of Petitions

Mail Stop: Petition

Commissioner of Patents & Trademarks

PO Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant, by his attorney, herewith petitions the Commissioner of Patents and Trademarks to withdraw the holding of abandonment of this application.

This is a revised and resubmitted petition. The original petition was mailed 8/20/04. Applicant has not received a ruling on the original petition. A copy of the outstanding Office Action has been received by Applicant, which makes this revised petition necessary. A complete response to the outstanding Office Action is included herewith.

#### Petitioner states that:

- (1) Applicant filed a Notice of Appeal on January 31, 2003. A change of address was filed concurrently therewith. (EXHIBIT A)
- (2) The change of address filed on January 31, 2003, was time-stamped received by the U.S. Patent Office on February 7, 2003, as evidenced by a return receipt post card. (EXHIBIT B)
- (3) Upon information and belief, it is believed an Office Letter (EXHIBIT C) presumably mailed July 18, 2003, was mistakenly mailed by the Patent Office to Owen L. Lamb at PO Box 240, Santa Barbara CA 93102-0240, the previous correspondence address of applicant's attorney.
- (4) Petitioner did not receive the Office Letter of EXHIBIT C, as evidenced by Petitioner's contemporaneous mail log (EXHIBIT D).

D-1507

- (5) A Notice of Abandonment was mailed on March 24, 2004 to the attorney of record Owen L. Lamb at PO Box 386, Prescott AZ 86302-0386.
- (6) The abandonment was unavoidable because the abandonment came about by Applicant's failure to reply to the Office Letter of EXHIBIT C, which applicant's attorney did not receive.
- (7) A response to the Office Letter of EXHIBIT C is not required by a petition to withdraw the holding of abandonment. However, a complete response the Office Letter mailed of EXHIBIT C is included herewith, including three copies of the Appeal Brief, corrected to overcome Examiner's objections thereto.
- (8) No fee is required for a petition to withdraw the holding of abandonment.

It is respectfully requested that the Commissioner of Patents and Trademarks withdraw the holding of abandonment of this application and resume prosecution of the Appeal.

Respectfully submitted,

Owen L. Lamb, Reg. #20,831

Attorney for applicant

Date: April 6, 2005

PO Box 386

Prescott, AZ 86302-0386 Phone/Fax: (928) 776-8037

#### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Priority Mail on the date shown below in an envelope addressed to:

Mail Stop: Petition

Commissioner for Patents

PO Box 1450

Arlington, Virginia 22313-1450

on April 6, 2005

Owen L. Lamb, Reg. # 20,831

D-1507 2

PTO(SU122 (10-01)
Approved for use through 10/31/2022 OM8 9551-0033
U.S. Patoni and Trademanic Office: U.S. DEPARTMENT OF COMMERCE
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#### CHANGE OF CORRESPONDENCE ADDRESS Application

Address to: Assistant Commissioner for Patenta Washington, D.C. 20231

one to a conscion or witch service	THESE I CUSTOM S & ASSO DING COLOR HOLLOW
Application Number	09/276,598
Filling Date	03/25/1999
First Named Inventor	DEN ISON W. BOLLAY
of Unit	3624
Examiner Name	WASYL CHAK
Attorney Docket Number	0-1507

Customer N	Place Customer Number here.  Place Customer Number here.  Place Customer Number here.
Firm or Individual Name	OWEN L. LAMB
Address	PO BOX 386
Address	
City	PAESCOTT State AZ ZIP 0326
Country	A 2 U
Yelephone	(928) 776 - 8037 Fex (928) 776 - 803
data associated with Change* (PTO/SB/12)  I am the:  Applicant/I  Assignee of Statement  Attorney of Registered	an existing Customer Number use "Request for Customer Number Data").
data associated with Change (PTO/SB/12-)  I am the :  Applicant/I  Assigned a Statement  Attorney of Registered axecuted avecuted avecuted avecuted avecuted avecuted avec or Printed avec or	an existing Customer Number use "Request for Customer Number Data").  Inventor.  If record of the entire interest, under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/95).  Agent of record.  Practitioner named in the application transmittal latter in an application without an

Euritin Hour Statement: This form is estimated to take 3 minutes to complete. Time will very depending upon the noods of the includes case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Palent and Tendeman's Office. Washington, DC 20231, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assestant Commissioner for Patente, Washington, DC 20231.

#### RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

D-1507

Application #:09/276598

Filed: 3/25/1999 InventorDenison W. Bollay

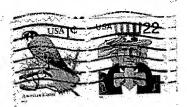
Enclosed:

(1) Transmittal Form (1 page) (2) Change of Address (1 page) (3) Appeal Notice (1 page) (5) Check for \$160.00

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Huhdkadhdaaddhadhdadhdhad Owen Lamb PO Box 386 Prescott AZ 86302-0386



## UNITED STATES DEPARTMENT OF COMMERCE U.S. Patent and Tra \_\_nark Office

Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexendria, Virginia 22313-1450

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR/	ATTORNEY DOCKET NO.
CONTROL NO.		PATENT IN REEXAMINATION	

EXAMINER

ART UNIT PAPER

13

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner for Patents** 

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 1.192(c)

The amendment after final rejection filed on April 7, 2003 has been entered.

Appellant's Brief is defective in 9. APPENDIX (COPY OF APPEALED

CLAIMS) page 31 because it is based upon claims which were not officially entered and no notice of such entry was sent to Appellant by a required Advisory Action in response to Amendment After Notice of Appeal. The Appeal Brief is therefore based upon the original claim numbering and not on the amended claim numbering contained in the amendment simultaneously sent with the Appeal Brief.

Informalities in the Appeal Brief to be corrected include the omission of independent claim 18 on page 5, line 1. Also, the cover page incorrectly lists #9 APPENDIX (COPY OF APPEALED CLAIMS) as starting on page 28 when the claims start on page 31.

Appellant is required to comply with provisions of 37 CFR 1.192(c).

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

PTO-90C (Rev.04-03)

EXHIBIT C

If attempts to reach the examiner elephone are unsuccessful, the examiner's support sor, Vincent Millin, can be reached at (703) 308-1065. The tax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

6/25/03

Paper #13

HANI M. KAZIMI PRIMARY EXAMINER

DOCKET	CLIENT	DATE	TYPE OF ACTION	DUE	RESPONSE	COMMENTS
NUMBER	CLILITI	D <sub>C</sub> (12	,	DATE	DATE	
1487	911Notify	1/14/03	Refund	NONE	NONE	\$793 refund from Ladas & Parry
1507	Expertelligence	1/14/03	Post Card Receipt	NONE	NONE	Notice of Appeal received.
1548	Dehisen		Post Card Receipt	NONE	NONE	Amendment
1526	911Notify		Original Patent	NONE	NONE	6,504,909 1/7/03
1529	Dehlsen		Post Card Receipt	NONE	NONE	10/342910 1/15/03
1530	Intri-Plex		Post Card Receipt	NONE	NONE	Amendment
1523	Intri-Plex	2	Post Card Receipt	NONE	NONE	Amendment, Terminal Discl.
1523	Intri-Plex		Office Action	2/29/2003	2/10/03	Sub. Amendment filed.
1541	Intri-Plex		Post Card Receipt	NONE	NONE	Notice of Appeal received.
1523	Intri-Plex		Post Card Receipt	NONE	NONE	Subs, Amendment
1561	Dehlsen		Notice of non-recordati	3/24/03	3/19/03	And a second control of the second control o
			Notice of Missing parts	4/28/03	4/28/03	New decl.
1579	Dehlsen Dehlsen		Int. Search Report	4/18/03	NONE	Amend?
1591			Post Card Receipt	NONE	NONE	Recordation Cover
1561	Dehlsen			NONE	NONE	Appeal Brief received.
1541	Intrl-Plex		Post Card Receipt Notice of Publication		NONE	#US-2003-0044 3/6/03
1561	Dehisen			NONE		#03-2003-0044 3/6/03
1548	Dehlsen	1.24	Notice of Allowability		NONE	
1548	Dehlsen		Notice of Allowability Office Action	6/12/03	4/11/03	Amend for allowance
1456	Intri-Plex	73.77		6/28/03	4/21/03	- 14 181 T. (S.46) (B. 13 196)
1530	Intri-Plex		Office Action	6/28/03	4/21/03	Argue patentability 10/359.874 2/7/03
1598	Dehisen		Filing Receipt	NONE	NONE	1 P. J.
1507	Expertelligence		Post Card Receipt	NONE	NONE	Appeal Brief
1548	Dehlsen		Post Card Receipt	NONE	NONE	Issue Fee
1530	Intri-Plex		Post Card Receipt	NONE	NONE	Argue patentability
1456	Intri-Plex		Post Card Receipt Post Card Receipt	NONE	NONE	Amend for allowance
1548	Dehlsen			NONE	NONE	Assignment
1579	Dehlsen		Post Card Receipt	NONE	NONE	New decl.
1523	Intri-Plex Intri-Plex		Notice of Allowability Notice of Allowance	NONE 8/5/03	NONE 8/5/03	Issue Fee Duc
1523 1530	Intri-Plex		Notice of non-complian	6/9/03	5/16/03	Amendment
1530	Intri-Plex		Post Card Receipt	NONE	NONE	Subs. Amendment filed
1595	Dehlsen		Post Card Receipt	NONE	NONE	10/426287 4/30/03
1456	Intri-Plex		Notice of Allowability	NONE	NONE	
1456	Intri-Plex		Notice of Allowance	8/6/03	8/1/03	Issue Fee Due
1596	Dehisen		Post Card Receipt	NONE	NONE	60/468899 5/7/03
1579	Dehlsen		Filing Reciept	NONE	NONE	10/342,910 1/15/03
1583	Dehlsen		Publication Notice	NONE	NONE	11.000
1561	Dehlsen		Post Card Receipt	NONE	NONE	IDS citing Int. Search
1530	Intri-Plex		Notice of Allowability	NONE	NONE	Response to Appeal Brief.
1530	Intri-Plex		Notice of Allowance	9/5/03	8/28/03	Issue Fee Due
1541	Intri-Plex	4, 1, 2, 2, 2	Notice of Allowability	NONE	NONE	Response to Appeal Brief.
1541	Intri-Plex		Notice of Allowance	9/2/03	8/28/03	Issue Fee Due
1599	Dehlsen		Post Card Receipt	NONE	NONE	10/449,342 5/31/03
1580	Intri-Plex		Post Card Receipt	NONE	NONE	Prelim. Amendment #2 filed
1580	Intri-Plex		Post Card Receipt	NONE	NONE	Prelim. Amendment #1 filed
1595	Dehlsen		Filing Receipt	NONE	NONE	10/426,287 4/30/03
1595	Dehlsen		Filing Receipt	NONE	NONE	60/468,899 5/7/03
1561	Dehlsen		First Office Action	10/1/03	9/19/03	man company and trans
1507	Expertelligence		Advisory Action	NONE	NONE	Amendment entered.
1507	Expertelligence		Post Card Receipt	NONE	NONE	Change of Address
1456	Intri-Plex		Post Card Receipt	NONE	NONE	Issue Fee
1523	Intri-Plex	,	Post Card Receipt	NONE	NONE	Issue Fee
1599	Dehlsen		Filing Receipt	NONE	NONE	10/449,342 5/31/03
1599	Dehlsen	· ·	Notice to Correct	10/4/03	9/17/03	Replacement Drawings
1452	Intri-Plex		Maintenance Fee State	NONE	NONE	Fee paid
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1455	Intri-Plex	8/10/03	Maintenance Fee State.	NONE	NONE	Fee paid	
1459	Intri-Plex	8/10/03	Maintenance Fee State	NONE	NONE	Fee paid	
1561	Dehlsen	8/10/03	Notice of Nonrecordatio	9/8/03	9/17/03	Replacement A	ssignment
1530	Intri-Plex	8/28/03	Post Card Receipt	NONE	NONE	Issue Fee	
1541	Intri-Plex	8/28/03	Post Card Receipt	NONE	NONE	Issue Fee	
1580	Intri-Plex	8/28/03	Notice of Publication	NONE	NONE		
1590	Dehlsen	8/28/03	Post Card Receipt	NONE	NONE	10/644,419	8/19/03
1548	Dehlsen	9/10/03	Office Communication	NONE	NONE	Amend.entered.	9/30/03
1456	Intri-Plex	9/17/03	Issue Notification	NONE	NONE	6,625,871	9/30/03
1557	911Notify	9/17/03	Post Card Receipt	NONE	NONE	Change of addr	ess
1561	Dehlsen	9/17/03	Post Card Receipt	NONE	NONE	Assignment	
1590	Dehlsen	9/17/03	Post Card Receipt	NONE	NONE	Assignment	
1599	Dehlsen	9/17/03	Post Card Receipt	NONE	NONE	Preliminary Am	endment
1598	Dehlsen	2/20/03	Post Card Receipt	NONE	NONE	10/359874	2/7/03
1561	Dehlsen	9/26/03	Post Card Receipt	NONE	NONE	Amendment	
1548	Dehlsen	9/26/03	Notice of recordation	NONE	NONE	013982/0822	4/22/03
1523	Intri-Plex	10/9/03	Issue Notification	NONE	NONE	6,631,553	10/14/03
1530	Intri-Plex	10/9/03	Issue Notification	NONE	NONE	6,634,084	10/21/03
1541	Intri-Plex	10/9/03	Issue Notification	NONE	NONE	6,634,085	10/21/03
1456	Intri-Plex	10/9/03	Original Patent	NONE	NONE	6,625,871	9/30/03
1557	911Notify	10/9/03	Official Action	10/16/03	10/16/03	Restriction	
1561	Dehlsen	10/24/03	Notice of Allowance	1/14/04	11/25/03	Fee paid	
1557	911Notify	10/24/03	Post Card Receipt	NONE	NONE	Restriction	
1599	Dehlsen	11/3/03	Filing Receipt (updated	NONE	NONE	10/449,342	5/31/03
1590	Dehisen	11/20/03	Filing Receipt	NONE	NONE	10/644,419	8/19/03
1599	Dehlsen	11/20/03	Post Card Receipt	NONE	NONE	Assignment	
1523	Intri-Plex	11/20/03	Original Patent	NONE	NONE	6,631,553	10/14/03
1530	Intri-Plex	11/20/03	Original Patent	NONE	NONE	6,634,084	10/21/03
1541	Intri-Plex	and the second s	Original Patent	NONE	NONE	6,634,085	10/21/03
1548	Dehlsen		Original Patent	NONE	NONE	6,653,744	11/25/03
1548	Dehisen	A STATE OF THE STA	Post Card Receipt	NONE	NONE	Original Patent	rec. by client.
1561	Dehlsen		Post Card Receipt	NONE	NONE	Issue Fee paid	
1603	911 Notify		Post Card Receipt	NONE	NONE	10/722,677	11/24/03
1557	911Notify		Official Action	3/1/03	2/17/04		
1582	Dehisen	12/10/03	Notice of Publication	NONE	NONE	#US-2003-0222	3/6/03

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 0 8 2005

D-1507

In re app. of: Denison W. Bollay

Serial Number: 09/276,598

Filed: 3/25/99

Title: A Method of Executing an Electron Experiment

Sale from an Affiliate Web Site with a Vendor Through a Hub Server in One Step Without Reentering Shipping and Payment Information

Examiner: Wasylchak, S. |GROUP ART UNIT: 2194

#### RESPONSE TO NOTICE OF NON-COMPLIANCE

Commissioner of Patents & Trademarks PO Box 1450 Alexandria, VA 22313-1450

Sir:

This is a response to a Notice Of Non-Compliance With The Requirements Of 37 CFR 1.192(C), paper # 13, dated 6/25/03. The date of mailing and the address to which it was mailed are not written on the notice. This response accompanies a revised and resubmitted petition to withdraw holding of abandonment. Three copies of a revised appeal brief are submitted herewith as required by the rules.

#### REMARKS

In the brief the section 9. APPENDIX (COPY OF APPEALED CLAIMS) has been changed to retain the original claim numbering as required by the Examiner. The cover page has been amended to correct the defect noted by the Examiner. The Appeal Brief has been reviewed and corrected as necessary to make it consistent with the original claim numbering.

Acceptance of the revised Appeal Brief is respectfully requested.

Respectfully submitted,

Date: April 6, 2005

PO Box 386

Prescott AZ 86302-0386

Owen L. Lamb, Reg. #20,831

Attorney for applicant

Phone: (928) 776-8037

D-1507



## **CERTIFICATE OF MAILING**

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Mail Stop: Petition

Commissioner for Patents

PO Box 1450

Arlington, Virginia 22313-1450

on April 6, 2005

Owen L. Lamb, Reg. # 20,831

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1	Investige Panerwork Reduction Act of 199	5 no nerson		Patent and T	Approved for use through 07/31/2006. OMB 0651-0031 rademark Office; U.S. DEPARTMENT OF COMMERCE ormation unless it displays a valid OMB control number.
OFMAR!	STATE OF BUSINESS OF THE STATE	0. 110 0013011	Application Number	09/276,598	
	TRANSMITTAL		Filing Date	3/25/99	
	FORM		First Named Inventor	Denison W	/. Bolllay
			Art Unit	2194	
(to	be used for all correspondence after initia	al filing)	Examiner Name	Wasylchak	s, S.
Tot	al Number of Pages in This Submission	129	Attorney Docket Number	D-1507	
		ENC	LOSURES (Check all	that apply	)
	Fee Transmittal Form  Fee Attached		Drawing(s) Licensing-related Papers		After Allowance Communication to TC  Appeal Communication to Board of Appeals and Interferences
	Amendment/Reply  After Final  Affidavits/declaration(s)  Extension of Time Request  Express Abandonment Request  Information Disclosure Statement  Certified Copy of Priority		Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence A Terminal Disclaimer Request for Refund CD, Number of CD(s) Landscape Table on CD	ddress	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  Proprietary Information  Status Letter  Other Enclosure(s) (please Identify below):  (1) Appeal brief (3 copies) (2) Return Receipt Postcard
	Document(s)  Reply to Missing Parts/ Incomplete Application		············		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT							
Firm Name						,	
Signature	Quen	Z.	Zam	l-			
Printed name	Owen L. Lamb						
Date	April 6, 2005			Reg. No.	20831		
					<u> </u>		

## **CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Owen L. Lamb Typed or printed name

Reply to Missing Parts under 37 CFR 1.52 or 1.53

> Date April 6, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.